

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL No.1456
LITIGATION)	Master File No. 01-CV-12257-PBS
)	Subcategory Case No. 06-11337-PBS
)	
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Magistrate Judge Marianne B. Bowler
<i>the Florida Keys, Inc., et al. v. Boehringer</i>)	
<i>Ingelheim Corporation, et al., Civil Action No.</i>)	
07-10248-PBS)	
)	
<i>United States of America ex rel. Ven-A-Care of</i>)	
<i>the Florida Keys, Inc., et al. v. Dey, Inc., et al.,</i>)	
Civil Action No. 05-11084-PBS)	

AGREED MOTION FOR BRIEFING SCHEDULE

Defendants Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Boehringer Ingelheim Roxane, Inc., and Roxane Laboratories, Inc. (the “Roxane Defendants”) , respectfully file this agreed motion for briefing on the United States’ Motion for Expedited Order Permitting Use of Depositions of Witnesses More Than 100 Miles from the Courthouse and For Leave to Subpoena Witnesses (Docket # 6943). The Roxane Defendants respectfully request that this motion be granted, and that they and Dey, Inc., Dey L.P., and Dey L.P., Inc. (the “Dey Defendants”) be allowed to file responses to the above mentioned motion by Wednesday, March 10, 2010.

Dated: March 8, 2010

Respectfully submitted,

/s/ Eric T. Gortner
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Boehringer Ingelheim Roxane, Inc., and
Roxane Laboratories, Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 8, 2010, a copy to LexisNexis File and Serve for posting and notification to all parties.

By: /s/ Eric T. Gortner
Eric. T. Gortner